

LABOUR DEPARTMENT

The 23rd March, 1972

No. 3108-4Lab-72/10954.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Bharat Steel Tubes Ltd., Ganaur.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Application No 13 of 1971 under section 33A of the Industrial Disputes Act, 1947.

between

SHRI PARTAP SINGH, WORKMAN AND THE MANAGEMENT OF M/S BHARAT STEEL
TUBES LTD., GANAUR

Present.—

Shri Mehar Chand authorised representative of the concerned workman.

Shri J. P. Jain, for the management.

AWARD

This is an application under section 33-A of the Industrial Dispute Act, 1947. The parties have arrived at an amicable settlement as per the Memorandum of settlement dated 4th March, 1972, copy on record Ex. M-1. Shri Partap Singh, concerned workman, has received payment of Rs. 220/- in full and final settlement of his claim and has given up his right of reinstatement or re-employment. The Memorandum of Settlement is signed by him and his authorised representative Shri Mehar Chand, President, the Bharat Steel Tubes Karamchari Union, Ganaur and by Shri K. V. Ramaseshan, Deputy General Manager and Shri J. B. Jain for the management, Statements of the authorised representatives of the parties have been recorded.

In view of the above no further proceedings are called for in the case, Shri Partap Singh, concerned workman, having given up his right of reinstatement or re-employment on receipt of Rs. 220/- in full and final settlement of his claim against the management, the present application has become infructuous and is accordingly disposed of as per the settlement stated above. There shall be no order as to costs.

Dated 14th March, 1972.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 310, dated 14th March, 1972.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 14th March, 1972.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 24th March, 1972.

No. 3221-4Lab-72/11028.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Hissar Iron & Steel Rolling Mills, Hissar.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Reference No. 134 of 1971

between

THE WORKMAN SHRI CHHOTU RAM C/O MAZDOOR EKTA UNION, NAGOARI GATE, HISSAR
AND THE MANAGEMENT OF M/S HISSAR IRON & STEEL ROLLING MILLS, HISSAR

*Present.—*Shri Tek Chand, for the workman.
Shri Sukh Dev, for the respondent.

AWARD

The following industrial dispute between the workman Shri Chhotu Ram and the management of M/s Hissar Iron & Steel Rolling Mills, Hissar, was referred to this Court for adjudication,—vide Government Gazette notification No. ID/HSR/96-A-71, dated 4th June, 1971 :—

“Whether the termination of services of Shri Chhotu Ram was justified and in order? If not; to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. The case of the workman is that he was in the service of the management for a period of 1½ years with unblemished record but the management suddenly terminated his services on 13th January, 1971 without giving him any charge sheet or holding any enquiry. The management in their written statement took a number of frivolous preliminary objections. It was pleaded that the statement of claim filed by the applicant was not on the prescribed form although no form is necessary for prescribed nor the purpose. It was also pleaded that no demand notice as required by law was given to the management without quoting the law, under which a demand notice is required to be given. An objection was also taken that the workman was not properly represented without pointing out any defect as to why the workman's representative was not properly authorised. On merits the position taken up is that the workman abandoned the job of his own accord with effect from 14th January, 1971 and the management never terminated his services. So the following two issues only were framed.

1. Whether the applicant has absented himself from his duties with effect from 14th January, 1971?
2. If the above issue is found in favour of the workman; whether the termination of services of Shri Chhotu Ram was justified and in order; if not, to what relief is he entitled?

Issues No. 1 and 2.—Both these issues can be discussed together because if it is proved that the workman himself abandoned the service then the question of wrongful termination would not arise.

Shri Ranjit Singh M.W. 1 who is a clerk in the respondent concern states that the applicant joined the service of the respondent on 1st December, 1969 and the Foreman always used to complain that the workman was not working satisfactorily and was also not regular in attendance. The witness stated that in the month of June, 1970 the workman was on leave from 8th to 23rd June, 1970 and thereafter he remained absent from 24th to 30th June, and so his name was struck off from the rolls but on 1st July, 1970 he was taken back in employment because he confessed his guilt but he continued to be irregular and used to be absent for a day or so every month. The witness says that from 14th January, 1971 the workman again absented himself and so his name was struck off from the rolls on 19th January, 1971. The witness further says that he went to the house of the applicant after three or four days of his absence but he could not find him in his house. However, he met him on the following day outside the mills premises and was informed that (the workman) had taken up service in Mittal Steel Rolling Mills, and was not interested in coming back in the service of the respondent. Shri Sat Pal, Manager of the respondent concern has also appeared as a witness and has stated that the workman was slow in his work and used to smoke Biri and cigarette during his working hours and many times he used to remain absent. Shri Sat Pal further says that the applicant became absent with effect from 14th January, 1971 and the clerk Shri Ranjit Singh was sent to call him but he reported that the workman was not interested in coming back as he had taken up service somewhere else.

I have carefully considered the evidence of both the witnesses who have appeared on behalf of the management. So far as the evidence regarding the inefficiency of the workman is concerned it is of not much help to the management because Shri Ranjit Singh says that the Foreman used to complain that the work of the workman was not satisfactory. It means that the witness had no personal knowledge of the work and for the reasons best known to the management the Foreman had not been produced in evidence. For the same reason the evidence of Shri Sat Pal, Manager is of not much use. In cross-examination he admits that he is just a matriculate. He does not say that he has any duty to perform in the workshop. So he too could have no personal knowledge of the efficiency of the workman.

As regards the plea that the workman became absent from 14th January, 1971 without any intimation, the position taken up by the workman is that he was reporting for duty through but the management refused to give him duty although he continued visiting then upto 22nd January, 1971. According to the workman the real reason for terminating his services was that he was demanding that he should be paid wages as prescribed under the Minimum Wages Act and claimed casual leave as also his right to contribute to the Provident Fund and therefore, the management in order to get rid of him wrongfully showed him as absent from duty.

It appears to me that the version given by the workman is correct. Shri Sat Pal, Manager admits in cross-examination that the minimum wages had been raised by the Government of Haryana with effect from 15th June, 1970 but they did not immediately give effect to it. He denies that any communication in this respect was received by him from the union. His attention was specifically drawn to the letter copy Ex. W. 4 which was sent under registered cover in this regard but the witness denied that any such letter was received by him. It appears that the witness had come to the Court that a determination to deny the receipt of all communications sent to him either on behalf

of the workman or by the Labour Department. Letter copy Ex. W. 3 purports to have been sent to the management by the Labour Officer-cum-Conciliation Officer under registered cover acknowledgement due. The management even deny the receipt of this letter. According to the workman he was not permitted to perform duty from 14th January, 1971 onwards but he continued to visit the factory upto 22nd January, 1971 but met with no success and he wrote a letter, dated 18th January, 1971 copy Ex. W. 1 in which he pointed out that his services were being wrongfully terminated. The Manager of the respondent concern denies the receipt of this letter. He also denies the receipt of letter, dated 9th February, 1971 copy Ex. W. 2 sent to him by the Labour Inspector. It is not possible to believe that the whole office of the Labour Department was in league with the workman and they did not write any letter to the management although according to their record it is shown that two letters were written. The workman in his evidence says that when he wrote the letter, dated 28th January, 1971 he was called by the Labour Inspector but nobody appeared on behalf of the management and then the Labour Inspector phoned the management upon which the Labour Inspector told the workman that the management were calling him and so he went to the office of the respondent but the Manager turned him out and saying as to why he had approached the Labour Inspector. I find no reason to disbelieve all these facts. The workman had joined the service of the respondent on 1st December, 1969 and there is absolutely no reason as to why he should abruptly leave the service with effect from 14th January, 1971.

A lukewarm attempt has been made by the management to prove that the workman was himself not interested to continuing in their service because they sent their clerk and the workman informed him that he was not interested in continuing in service and that he had taken up job in Mittal Steel Rolling Mills. If this version was really true it could have been conclusively proved by summoning the relevant record from Mittal Steel Rolling Mills but it has not been done. It is clear from the circumstances of the case that the management were themselves not interested in keeping the workman in service. From their point of view he was slow and irregular in his work although no satisfactory evidence has been led to prove that the workman was actually not working properly. The Foreman was the best witness to prove this fact but he has not been produced. As already observed the management have admitted that they had not implemented the notification issued by the Government under the Minimum Wages Act, the workmen must be raising a hue and cry for being paid their proper wages and no wonder that the management adopted a convenient though a very reprehensible method of terminating his service by wrongfully showing that he was absent from duty.

After carefully considering the evidence, I am of the opinion that the services of the workman have wrongfully terminated and he is entitled to be reinstated with continuity of service and full back wages due to him as prescribed in the Notification issued under the Minimum Wages Act. I give my award accordingly but make no order as to costs.

Dated 10th March, 1972

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 384, dated Rohtak, the 13th March, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

B. L. AHUJA,
Commissioner for Labour & Employment, and Secy.

EXCISE AND TAXATION DEPARTMENT

The 23rd March, 1972

No. 1049-ET(VIII)-72/10126.—The Governor of Haryana is pleased to dissolve the State Advisory Committee for the Excise and Taxation Department/constituted, —vide notification No. 4095-ET(VIII)-71/30451, dated the 6th October, 1971.

ORDER

The Governor of Haryana is pleased to promote Sh. B. N. Oberoi, Distt. Employment Officer, Karnal to the post of Sub-Regional Employment Officer (in the scale of 350—25—500/30—590/30—830/35—900) in an officiating capacity and to appoint him as Sub-Regional Employment Officer, Sub-Regional Employment Exchange, Rohtak with immediate effect against an existing vacancy vice Sh. R. D. Dhawan already transferred for a period of six months.

Dated Chandigarh,
the 13th January, 1972.

B. L. AHUJA,
Commissioner and Secy.

M. ISA DASS, Dy. Secy.

TOWN AND COUNTRY PLANNING DEPARTMENT

The 21st March, 1972

No. 2415-IVDP-72/1326—In exercise of the powers conferred by section 3 of the Punjab New Capital (Periphery) Control Act, 1952, and all other powers enabling him in this behalf, the Governor of Haryana hereby rescinds the erstwhile Punjab Government. Capital Administration, notification No. C-8725-53/IV/5452, dated the 5th September, 1953 and No. C-3938-A-63/I/25565, dated the 16th August, 1963, so far as these relate to the State of Haryana.

M. L. BATRA, Secy.